

Message Text

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ACTION AF-06

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FM AMEMBASSY MONROVIA

TO SECSTATE WASHDC 7029

CONFIDENTIAL MONROVIA 5233

E.O. 11652: GDS

TAGS: PGOV, SHUM, SOCI, LI, CASC (ARRESTS: FLEMISTER, HAROLD SANDERS)

SUBJECT: BEGINNING OF TRAILS FOR COUNTERFEITING BY THE SPECIAL COMMISSIONS

REF: (A) MONROVIA 4212; (B) MONROVIA 4771; (C) MONROVIA A-106,

JUNE 21, 1973

1. ON AUGUST 21 TRILAS UNDER THE NEWLY-APPOINTED SPECIAL COMMISSIONS (MONROVIA 4212) GOT UNDER WAY WITH THE PROSECUTION OF ELEVEN PERSONS ON COUNTERFEIT-RELATED CHARGES. EMBOFF HAS ON TWO OCCASIONS OBSERVED PROCEEDINGS, WHICH ARE OPEN TO PUBLIC. COMPLETION OF COMMISSIONS' WORK WILL TAKE SOME TIME. CASES ARE BEING HEARD ONE AT A TIME AND PROGRESS IS SLOWED CONSIDERABLY BY LACK OF STENOGRAPHERS, WHICH NECESSITATES WORD-BY-WORD TYPE-WRITTEN TRANSCRIPTION. MOST STANDARD TRAPPINGS OF LIBERIAN COURT PROCEDURES ARE ADHERED TO: DEFENDANTS HAVE ATTORNEYS, RIGHT OF CROSS EXAMINATION, AND USUAL RULES OF QUESTIONING AND EVIDENCE ARE APPLIED. ALSO CHARACTERISTIC IS THE FREQUENT EXCHANGE OF INFORMAL, OFF-THE-RECORD AND OFTEN JOCULAR REMARKS AMONG PROSECUTION, DEFENSE AND COMMISSION MEMBERS.

2. IN SECOND WEEK OF TRIALS, DEFENSE COUNSELLOR P. AMOS GEORGE, QUESTIONED CONSTITUTIONALITY OF THE SPECIAL COMMISSIONS, CITING CONFIDENTIAL

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CONSTITUTIONAL GUARANTEES OF GRAND JURY, CONFRONTATION OF WIT-

NESSES, AND JUDGEMENT BY PEERS. COMMISSION, SIDING WITH PROSECUTION, DISMISSED THIS CHALLENGE WITH THE PROCEDURALLY CORRECT OBSERVATION THAT IT WAS NOT WITHIN THE COMPETENCE OF THE COMMISSION TO JUDGE ITS OWN CONSTITUTIONALITY. GEORGE'S LINE OF THOUGHT NOT LIKELY TO HAVE ANY REAL EFFECT AS PREVIOUS SIMILAR DEBATES ON THE UNDERLYING EMERGENCY POWERS ACT ITSELF HAVE NEVER PROGRESSED BEYOND DISCUSSION STAGE.

3. COMMENT: IMPLICATIONS OF THESE TRIALS FOR U.S. INTERESTS ARE MINIMAL, AS LIBERIA'S POLITICAL AND SOCIAL FABRIC IS REALLY UNAFFECTED. THE SUSPENSION OF HABEUS CORPUS AND THE ESTABLISHMENT OF THE SPECIAL COMMISSIONS DEPARTS MORE IN FORM THAN IN SUBSTANCE FROM NORMALITY. DEFENDANTS ARE IN FACT GETTING ESSENTIALLY THE SAME TREATMENT THEY WOULD UNDER NORMAL LIBERIA JUDICIAL PROCEEDINGS. POSSIBILITY OF INVOLVEMENT OF ONE U.S. CITIZEN HAS BEEN DENIED BY DIRECTOR OF CRIMINAL INVESTIGATION DIVISION, WHO INFORMED US THAT NO AMERICANS ARE BEING CHARGED UNDER THE AUTHORITY OF THE PRESIDENT'S PROCLAMATION.

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